

R E M A R K S

Reconsideration and further prosecution of the above identified application are respectfully requested in view of the amendments, and in view of the discussion that follows. Claims 1-40 are pending in this Application. Claims 1-40 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,611,590 to Lu et al. in view of U.S. Pat. No. 6,304,653 to O'Neil et al. in view of Barnes et al. (U.S. Pat. No. 6,757,731) and further in view of Childress et al. (U.S. Pat. No. 4,682,367). Claims 13 and 14 have been amended. After careful review of the claims as amended and the cited art, it is believed that the claims are in allowable form and therefore a Notice of Allowance is respectfully requested.

Claims 1-40 have been rejected as obvious over Lu et al., O'Neil et al., Barnes et al. and Childress et al. Lu et al. is directed to an Internet Interface Controller that merely routes calls but as the Examiner has observed, does not disclose independently spawning a call processing application. The Office Action asserts, however, that O'Neil et al. discloses independently spawning a call processing application. However, while O'Neil et al. initiates calls, it doesn't independently spawn a call processing application with a first end of the independently spawned call processing application operatively

coupled to a predetermined protocol stack of the selected agent and with a second end of the independently spawned call processing application operatively coupled to a protocol stack of the client. O'Neil merely spawns (i.e. initiates) calls based upon the navigation history of the subscriber, without request by the subscriber (Col. 11, lines 23-26). Thus, O'Neil initiates a telephone call while the claimed invention spawns an application to process an already received and detected call. Thus, the call spawning device of O'Neil concerns a completely different function from the spawning of the processing application of the claims. Because this feature is not disclosed by any of the cited references, claims 1-40 are distinguishable over any combination of the cited references.

Further, as stated by the Office Action, O'Neil et al. (and Lu et al.) does not disclose a protocol stack of the agent and protocol stack of the client being disposed inside the private computer network and wherein communication between the predetermined protocol stack of the agent and protocol stack of the client operates under a first protocol and communication between the protocol stack of the client and the client through the public communication network operates under a second protocol, but asserts that Barnes does disclose this feature. However, for VoIP calls, the O'Neil et al. system operates to "communicate directly with the user through the data network via

voice telephony" (O'Neil et al., col. 7, lines 13-15). For PSTN calls, the O'Neil et al. system functions to "initiate a call to the user and initiate a second call to the call assistance device 400 to the telephone network interface 420, for example, and then bridge the two calls" (O'Neil et al, col. 9, lines 30-33). As such, O'Neil et al. operates under a single end-to-end protocol for either Internet or PSTN calls.

In addition, because O'Neil et al. operates under a single protocol, there would be no use for a protocol stack of the agent and protocol stack of the client . . . disposed within the private computer network. This is especially true since O'Neil et al. preserves the separate nature of data network voice telephony and switched circuit voice telephony. Thus, there is no motivation or suggestion to combine Barnes et al. protocol stacks with O'Neil et al. and even if combined there is no teaching or suggestion of the two stack structure claimed. The reliance on the advantages of the invention as taught by the inventor as a motivation is merely improper hindsight use of the teachings of the application to construct a motivation. Therefore, the combination is believed to be improper and the claims are further distinguishable for this reason.

Further, while Barnes et al. discloses interfacing protocol stacks in a communications network, it does not disclose scanning idle input stack locations, (and provides no suggestion to

combine its protocol stacks system with the single end-to-end systems of Lu et al. and O'Neil et al.). In Barnes et al., protocol messages generated by the first protocol stack 211 is sent to the second protocol stack 221 via the VCCT subsystem 270 (Col. 4, lines 50-53) and are internally interconnected via the VCCT subsystem (Col. 12, lines 26-28). Thus, Barnes et al. protocol stacks are physically connected by a VCCT subsystem not coupled by an independently spawned application operatively coupled to a protocol stack of the agent and to the protocol stack of the client. Further, Barnes et al. does not disclose coupling a first end to a protocol stack of the agent and a second end to the protocol stack of the client.

The Office Action also concedes that neither Lu, O'Neil, nor Barnes disclose the claimed continuously scanning idle input stack locations of a protocol stack but asserts that this feature is disclosed by Childress. Childress concerns a mobile radio scanner and the cited portions (Col 8, lines 16-33 and Col. 9, lines 22-33, Col. 18, lines 29-44 and Col. 20, lines, 51-65) merely describe a radio scanner which scans the repeater transceiver frequencies. This does not, however, describe the claimed scanning of idle input stack locations of the client protocol stacks. Thus, Childress does not disclose this feature and the claims 1-40 are further distinguishable for this reason as well.

Since the combination of Lu et al., O'Neil et al., Barnes et al. and Childress et al. fails to provide any teaching of independently spawning a call processing application, continuously scanning idle input stack locations, or an independently spawned application operatively coupled to the protocol stack of the agent and to the protocol stack of the client, the combination fails to teach or suggest each and every claim limitation. Because the combination fails to teach or suggest each and every claim limitation, the claims are distinguishable over the combination of cited references. In addition, since O'Neil et al. operates under a single protocol, there is no motivation, or suggestion to combine Barnes et al. protocol stacks with O'Neil et al. Accordingly, claims 1-40 are believed to be distinguishable over the cited references.

The allowance of claims 1-40 as now presented, is believed to be in order and such action is earnestly solicited. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, he is respectfully requested to telephone applicant's undersigned attorney.

Respectfully submitted,

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